

TFC Contract No. 18-108-000  
LCCX, LLC dba Lackey de Carvajal Cx  
Assignment No. 6  
Project No. 16-019-5530

**INDEFINITE DELIVERY INDEFINITE QUANTITY  
PROFESSIONAL SERVICES AGREEMENT  
BETWEEN  
THE TEXAS FACILITIES COMMISSION  
AND  
LCCX, LLC DBA LACKEY DE CARVAJAL CX**

**TFC CONTRACT NO. 18-108-000**

**ASSIGNMENT NO. 6**

**THIS INDEFINITE DELIVERY INDEFINITE QUANTITY ASSIGNMENT NO. 6** (hereinafter referred to as "Assignment No. 6" or "Assignment") is entered into by and between the Texas Facilities Commission, located at 1711 San Jacinto Boulevard, Austin, Texas 78701 (hereinafter referred to as "TFC") and LCCX, LLC dba Lackey de Carvajal Cx located at 8304 Puerta Vista, Austin, Texas 78759 (hereinafter referred to as "PSP") (TFC and PSP are hereinafter referred to individually as a "Party" or collectively as "Parties"), to be subject to the terms and conditions that follow:

**DESCRIPTION OF PROJECT:** The project for which PSP agrees to provide Professional Services is generally described as providing test, adjust, and comfort balance services ("TAB") on all HVAC related equipment installed at the Dr. Robert Bernstein Building ("RBB") (hereinafter referred to as "Building G") located on the Department of State Health Services Campus in Austin, Texas (hereinafter referred to as the "Project"), as further depicted in "Exhibit A-6," PSP's IDIQ Assignment No. 6 Proposal dated July 8, 2019, attached hereto and incorporated herein for all purposes and consisting of six (6) pages. Work is to be coordinated with the Construction Manager-At-Risk and Stanley Consultants during normal weekday work hours.

**DURATION OF ASSIGNMENT:** The scope of services of this Assignment No. 6 shall be completed no later than December 31, 2020, unless terminated earlier as provided in Section 3.2 of the Agreement. The schedule is subject to adjustments for possible time extension; however, any extension of time must be approved by the TFC and shall require an amendment to Assignment No. 6.

**SPECIAL TERMS AND CONDITIONS OF ASSIGNMENT:** Terms and conditions shall be in accordance with the Agreement, any Special Conditions, and with this Assignment No. 6.

**SUB-CONTRACTORS TO BE UTILIZED FOR PROJECT:** PSP shall perform the services under this Assignment No. 6 with its own forces unless otherwise specified. If the scope of services is less than \$100,000.00, a HUB Subcontracting Plan (HSP) is not required. If the scope of services will exceed \$100,000.00, PSP shall submit an HSP for approval pursuant to Section 11.2 of the Agreement.

**FEE FOR BASIC SERVICES:** Fee for the services set forth in this Assignment No. 6 shall not exceed the sum of Fifty-One Thousand Eight Hundred Seventy-Three and 50/100 Dollars

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(\$51,873.50). No more frequently than once per month, PSP shall submit a Pay Application to TFC for services performed and reasonable and necessary costs and expenses incurred through the last day of the previous month. Any reimbursable expenses, if allowed, shall be in accordance with Section 4.6 of the Agreement.

**IDENTIFICATION OF PSP PROJECT MANAGER AND ALL SUBCONTRACTOR:** For this Assignment No. 6, PSP shall identify the Project Manager, PSP's employees and all subcontractors assigned to this project on the List of Project Manager and Subcontractors (hereinafter referred to as the "List"), attached hereto and incorporated herein for all purposes as "Exhibit B-6."

TFC reserves the right to approve the appointment of the PSP Project Manager and to demand that the Project Manager, and any of PSP's employees or subcontractors, be removed and replaced if, in the sole opinion of TFC, their performance on this project or any other projects, is and/or was inadequate or their continued involvement with the Project is, will, or has become detrimental to the timely and successful completion of the project.

The Project Manager and Subcontractors identified in the List shall not be replaced by PSP, nor shall any other subcontractors be engaged by PSP, unless prior written consent is obtained from TFC, which consent shall not be unreasonably withheld, conditioned, or delayed.

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 Assignment No. 6  
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**ENTIRE AGREEMENT AND MODIFICATION:** The Agreement and this Assignment and their integrated attachment(s) constitute the entire agreement of the Parties and such are intended as a complete and exclusive statement of the promises, representations, negotiations, discussions, and other agreements that may have been made in connection with the subject matter hereof. Unless an integrated attachment to this Assignment specifically displays a mutual intent to amend a particular part of this Assignment, general conflicts in language between any such attachment and this Assignment shall be construed consistently with the terms of this Assignment. Unless otherwise expressly authorized by the terms of this Assignment, no modification, renewal, extension, or amendment to this Assignment shall be binding upon the Parties unless the same is in writing and signed by the respective Parties hereto.

This Assignment shall be effective as of the date of the last Party to sign.

**TEXAS FACILITIES COMMISSION**

**LCCX, LCC DBA LACKEY DE CARVAJAL  
CX**

DocuSigned by:  
 By: Mike Novak  
 BTC9FC0A8020417...

Mike Novak

Executive Director

Date of execution: 08/14/2019 | 2:55 PM CDT

DocuSigned by:  
 By: Michael W. Lackey  
 776670B9FB8C474...

Mike W. Lackey, P.E.

Managing Member

Date of execution: 08/14/2019 | 12:54 PM PDT

GC GC

Dir Dir

DED DED

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## **EXHIBIT A-6**

**PSP'S IDIQ ASSIGNMENT NO. 6 PROPOSAL DATED JULY 8, 2019.**



**July 8, 2019**

Kevin Sandberg  
Senior Project Manager  
Texas Facilities Commission  
1711 San Jacinto  
Austin, TX 78712

**RE: Proposal LCTAB 19.0602R1**  
**Professional Engineering Services – HVAC Test Adjust Comfort Balance**  
**TFC Building G Renovation**  
**TFC Project Number: 016-019-5530**

Dear Sandberg:

Thank you for the opportunity for **Lackey de Carvajal TAB** (hereinafter called **LCTAB, LLC**) to furnish our proposal to provide Professional TAB Engineering Services to **TFC Project Management** (Hereinafter called **CLIENT**) for the above referenced project (hereinafter called **PROJECT**). This Proposal Letter outlines our Fee proposal subject to a formal agreement.

**PROJECT SCOPE**

Provide Professional TAB Services, for the **PROJECT**. Coordinate all TAB work with the Project Manager.

**GENERAL ASSUMPTIONS:**

1. TAB Comfort Balance work will follow the completion of each floor
2. There will be a TAB Kickoff meeting and a TAB coordination meeting for each floor.
3. There will be a preliminary report for each floor.
4. Attend limited construction meetings, up to 6 during the construction phase.
5. Owner shall provide all stamped, sealed Construction Documents
6. Owner shall provide cut sheet of all Owner provided equipment,
7. General Contractor will provide submittals, cut-sheets, start-up procedures, and manufacturing data for all Contractor furnished equipment
8. Coordinate all work through TFC AE and CMAR

**PROJECT SCHEDULE**

The following project schedule is our understanding of how the project will proceed:

<u>DATES</u>	<u>Start Date</u>
Construction Phase	ongoing
Rough Balance AHU's	August 2019
Field TAB Basement	September 2019

Physical Address:  
8304 Puerta Vista, 78759

Mailing Address:  
PO Box 30191  
Austin, TX 78755





Field TAB 1 <sup>st</sup> floor	October 2019
Field TAB 2 <sup>nd</sup> floor	Approx. February 2020
Field TAB 3 <sup>rd</sup> floor	Approx. May 2020
Field TAB 4 <sup>th</sup> floor	Approx. August 2020
Final TAB of whole system	Approx. September 2020

### TAB SCOPE OF WORK AND SERVICES

LCTAB will serve as the TAB Agent to coordinate and provide “**Comfort Balance Only**” on the Client’s behalf for the **PROJECT**. Our TAB tasks will include:

- Develop and submit TAB Plan and schedule; revise as necessary
- Develop TAB data forms, for HVAC equipment and systems.
- Prepare a Preliminary and TAB Report for review by Design Engineer.
- No BAS or Controls verification, COMFORT BALANCE ONLY

### CLARIFICATIONS AND QUALIFICATIONS:

- We include coordination of TAB with PM.
- All work to take place during normal business hours (M-F, 7:30-4:00)
- Clean filters to be in place before test and balance is performed
- All lifts to be provided by others.

### EXCLUSIONS: We Exclude:

- 90 day and Alternate Season return visits
- Any sheaves, pulleys or belts
- Sound and Vibration Testing
- Duct leakage Testing

### COMPENSATION

Based on the above scope of work for the project, as well as the description of the project, we propose a lump sum fee to be billed as follows:

Per Attachment 1	Fees:
<b>TOTAL TAB SERVICES</b>	<b>\$ 51,873.50</b>

### TERMS AND CONDITIONS

All Terms and Conditions shall be as per Indefinite Delivery Indefinite Quantity Agreement (IDIQ) TFC Contract 18-108-000 for Heating, Ventilation, Air Conditioning and Test and Balance Services

Physical Address:  
8304 Puerta Vista, 78759

Mailing Address:  
PO Box 30191  
Austin, TX 78755



I trust that the above meets with your approval. We look forward to working with you on this project and request that you indicate your approval of this letter of agreement by signing in the space provided below.

Very truly yours,

A handwritten signature in blue ink, reading 'M. W. Lackey', is enclosed in a rectangular box.

**Michael W Lackey, PE**  
Manager LCTAB  
LCTAB, LLC dba **Lackey de Carvajal Cx**

ACCEPTED BY: **CLIENT**  
Authorized Signer, \_\_\_\_\_

Signature \_\_\_\_\_

**Acceptance of proposal is by execution of  
Assignment No. 6 to TFC Contract No. 18-108-000.**

Physical Address:  
8304 Puerta Vista, 78759

Mailing Address:  
PO Box 30191  
Austin, TX 78755



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## **ATTACHMENT 1: SCOPE OF WORK AND QUALIFICATIONS**

**Physical Address:**  
8304 Puerta Vista, 78759

**Mailing Address:**  
PO Box 30191  
Austin, TX 78755



**Lackey de Carvajal TAB**

IECC2015 C408 REQUIRED TAB - PROPOSED TAB SCOPE OF WORK  
(Based on IECC2015, ASHRAE90.1-2013 and ASHRAE Std 111-2008)

Contract#:

0

Task Order#/Assignment:

0

<b>Bid Date:</b>	8-Jul-19
<b>Client Proj Mgr:</b>	Kevin Sandberg
<b>CLIENT:</b>	Texas Facilities Commission
<b>Client Address, Street/PO</b>	1711 San Jacinto Blvd.
<b>Client Address, City, State</b>	Austin, Texas 78701
<b>LCTAB Proposal No:</b>	19.0602R1
<b>Client Project Name:</b>	TFC Building G RenovationCOMFORT BALANCE
<b>Client Project No:</b>	016-019-5530
<b>Project Loc:</b>	Grover Ave 49th Street Austin, TX
<b>Contract Type:</b>	Lump Sum

TASK ID.	PROJECT DURATION, MO.	5.0	FEE BREAKDOWN
<b>1</b>	<b>Initiate TAB Process</b>	#Meetings	BY TASK
Requirements	PROJECT ADMINISTRATION	5.0	
ASHRAE	DESIGN PHASE MEETINGS	0.0	
Std 111	CONDUCT TAB Kick-Off MEET	5.0	
TAB	TAB COORD MEETINGS	5.0	
Process	CONSTR MEETINGS	0.0	\$ -
<b>PROJECT COORDINATION SUBTOTAL</b>			<b>\$ 3,420.00</b>
<b>2</b>	<b>Prepare TAB Qualification Submittal</b>	NO	
<b>3</b>	<b>Prepare a TAB Plan and Schedule.</b>	NO	
<b>4</b>	<b>Review TAB Specification</b>	YES	
<b>5</b>	<b>TAB Design Review of Construction Documents</b>	NO	
	50% CD	NO	
	100% CD BACKCHECK	NO	
<b>6</b>	<b>Review GC Submittals for Field Documentation</b>	YES	
<b>7</b>	<b>Prepare TAB Field Reporting Documentation</b>	YES	
<b>7.1</b>	<b>PRE-TAB AUDIT</b>	NO	
<b>PRE CONSTRUCTION PHASE SUBTOTAL</b>			<b>\$ 2,925.00</b>

**CONSTRUCTION PHASE - Field TAB Activities**

<b>8.1</b>	<b>Conduct Site Observations prior to Start-up</b>	NO	
	<b>Prepare TAB Deficiency List from Site Visit</b>		
<b>8.3</b>	<b>Perform Test Adjusting and Balancing</b>		
	<b>Air Side Equipment</b>		
	RTU	NO	
	AHU	YES	
	Mixing Laterals	NO	
	VAV	YES	
		NO	
	<b>Hydronic Side Equipment</b>	NO	
	Chillers	NO	

	Pumps	NO	
	Boilers	NO	
8.4	Maintain TAB Deficiencies Log	NO	
<b>CONSTRUCTION PHASE SUBTOTAL</b>			<b>\$ 38,887.50</b>
9.1	Draft Preliminary TAB Report for Review	YES	
	REPORT PROD COST - PRINT AND AIRNAB	YES	<b>\$ 1,025.00</b>
9.2	Issue Final TAB Report	NO	
<b>POST CONSTRUCTION PHASE SUBTOTAL</b>			<b>\$ 6,641.00</b>
<b>POST OCCUPANCY PHASE</b>			
10.1	Return For Alternate Season /Warranty Review, if required	NO	\$ -
10.2	Update Final TAB Report with Alternate Season results	NO	\$ -
<b>POST OCCUPANCY PHASE SUBTOTAL</b>			<b>\$ -</b>

<b>BASE FEE</b>	<b>\$ 51,873.50</b>
<b>SUB-CONTRACTS, If Any</b>	<b>\$ 0.00</b>
<b>TOTAL FEE - BASE TAB SOW</b>	<b>\$ 51,873.50</b>

<b>VOLUNTARY ADD ALTERNATES</b>			
11	Duct Leakage Test	NO	\$ -
12	Sound Testing	NO	\$ -
13	Vibration Testing	NO	\$ -
14	Sheave Changes	NO	\$ -
15	Fire and Smoke Damper Inspections	NO	\$ -
16	Stairwell Pressurization Testing	NO	\$ -
17	Laboratory Hood Testing	NO	\$ -
18	Other	NO	\$ -
<b>TOTAL ADD ALTERNATES</b>			<b>\$ -</b>

<b>TOTAL FEE - BASE Cx SOW AND ADD ALTERNATES</b>	<b>\$ 51,873.50</b>
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**QUALIFICATIONS:**

SYSTEMS TO BE Tested, Adjusted and COMFORT BALANCED

HVAC Systems:

All Major Mechanical equipment as defined by Equip Tag No.

NO BMS Controls - COMFORT BALANCE ONLY

AIR SIDE ONLY

**CLARIFICATIONS AND QUALIFICATIONS:**

We include coordination of TAB with PM.

All work to take place during normal business hours (M-F, 7:30-4:00)

Clean filters to be in place before test and balance is performed

Acknowledge 12 Mo. construction schedule

Controls contractor will be available at all times during Tab Operation

All lift access provided by others.

**EXCLUSIONS:**

90 day and Alternate Season return visits

New sheaves, belts

Sound and Vibration Testing

DALT Duct leakage testing

Pre-Construction TAB Audit

We exclude any Hydrostatic Testing

We relied on the following documents for pricing

Mechanical Plans dated 9-21-2018 and TAB Spec: 23-05-93

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## **EXHIBIT B-6**

### **LIST OF PSP'S PROJECT MANAGER AND SUBCONTRACTORS**

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Project No. 16-019-5530  
Exhibit B-6

**LIST OF PSP PROJECT MANAGER  
AND  
SUBCONTRACTORS  
(Name, Company Name, Address & Contact Person (Project Manager))**

A. PSP Project Manager:	<u>Chris Thompson</u> (Name) <u>Lackey de Carvajal</u> (Company) <u>8304 Puerta Vista #1 Austin, TX 78759</u> (Address) <u>512-560-3456</u> (Cell #) <u>Chris.thompson@lccx.com</u> (Email)
B. TA&B – Commissioning Agent:	<u>John King</u> (Name) <u>Lackey de Carvajal</u> (Company) <u>8304 Puerta Vista #1 Austin, TX 78759</u> (Address) <u>228-323-0122</u> (Cell #) <u>John.King@lccx.com</u> (Email)
1.	<u>Denny Kapowitz</u> (Name) <u>TNT Systems Solutions Inc.</u> (Company) <u>Spicewood, TX 78669</u> (Address) <u>512-845-9500</u> (Cell #) <u>dennyk@tntssic.com</u> (Email)
2.	<u>NONE</u> (Name) ____ (Company) ____ (Address) ____ (Cell #) ____ (Email)
3.	<u>NONE</u> (Name) ____ (Company) ____ (Address) ____ (Cell #) ____ (Email)